

## **CHAPTER 505 Animals and Fowl**

<b>505.01</b>	<b>Dogs and other animals running at large; grazing.</b>	<b>505.09</b>	<b>Barking or howling animals or fowl.</b>
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### **CROSS REFERENCES**

See sectional histories for similar State law  
Owner or keeper liable for damages - see Ohio R.C 951.10  
Dog registration - see Ohio R.C. 955.01  
Discharging firearms prohibited - see GEN. OFF. 549.02

#### **505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE; GRAZING.**

(a) No person being the owner or having charge of any horses, mules, cattle, sheep, goats, swine, geese or any other animals shall permit the same to run at large upon any street or public place, or upon any enclosed or unenclosed land of another person, or cause such animals to be herded, kept or detained within the City for the purpose of grazing the same on premises other than those owned or occupied by the owner or keeper of such animals.  
(Ord. 65-37. Passed 3-1-65.)

(b) No person being the owner of or having charge of any dog, whether wearing a registration tag or not, shall permit it to run at large upon any public place or upon the premises of another. No owner, keeper or harbinger of any female dog shall permit such dog to go beyond the premises of such owner or keeper at any time such dog is in heat, unless such dog is properly on leash. The owner or keeper of every dog shall at all times keep such dog either confined upon the premises of the owner or keeper, or under reasonable control of some person.  
(ORC 955.22)

(c) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.  
(ORC 951.02)

(d) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. (ORC 955.99(D))

#### **505.02 IMPOUNDING AND DISPOSITION.**

Any dog or other animal found running at large in violation of Section 505.01 may be impounded on sight and placed in the Animal Shelter maintained by the Springfield and Clark County Humane Society. The costs of impounding and maintaining an animal in the Animal Shelter shall be paid by the owner or other person having charge or control of the animal so impounded before the animal may be returned by the agent in charge of the Animal Shelter to the owner or other person having charge or control thereof. When an animal is impounded, the owner or person having charge or control of the animal shall be notified by mail or by personal service, if known, or if not known, by publication of a general description of the animal once in a local newspaper of general circulation in Clark County. In the event that the owner or person having charge or control of the animal does not redeem the animal within a period of three days from the mailing of the notice, the service of the notice or the publication of the notice, then the agent in charge of the Animal Shelter may make such disposition as he desires of such animal. (Ord. 65-37. Passed 3-1-65.)

#### **505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.**

(a) Except for guide dogs registered under Ohio R.C. 955.011 and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Auditor. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impounding and disposition as provided by Ohio R.C. 955.16.

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. (ORC 955.99(D)).

#### **505.04 ABANDONING ANIMALS.**

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal. (ORC 959.01)

(b) Whoever violates this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense. (ORC 959.99)

#### **505.05 KILLING OR INJURING ANIMALS.**

(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity. (ORC 959.02)

(b) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), is guilty of a misdemeanor of the second degree; if the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree. (ORC 959.99(B))

#### **505.06 POISONING ANIMALS.**

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another.

(ORC 959.03)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.  
(ORC 959.99(C))

**505.07 CRUELTY TO ANIMALS GENERALLY.**

(a) No person shall:

- (1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water;
- (2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;
- (3) Carry or convey an animal in a cruel or inhuman manner;
- (4) Keep animals other than cattle, poultry or fowl, swine, sheep or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;
- (5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such livestock to be so crowded as to overlie, crush, wound or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle.  
(ORC 959.13)

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal. (ORC 959.99(D))

**505.071 CRUELTY TO COMPANION ANIMALS.**

(a) As used in this section:

- (1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. "Companion animal" does not include livestock or any wild animal.
- (2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.
- (3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.
- (4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.
- (5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.
- (6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et

seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.

- (7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.

(b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

(c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

- (1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (4) Needlessly kill the companion animal;
- (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment in any of those specified manners.

(d) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:

- (1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable relief, against the companion animal;
- (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (4) Needlessly kill the companion animal;
- (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment or confinement in any of those specified manners.

(e) Subsections (b), (c) and (d) of this section do not apply to any of the following:

- (1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related

- regulations;
  - (2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;
  - (3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;
  - (4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;
  - (5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.  
(ORC 959.131)
- (f)
- (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.
  - (2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
  - (3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.
  - (4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.
  - B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.
  - (5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)  
(Ord. 14-288. Passed 11-12-14.)

#### **505.08 NUISANCE CONDITIONS PROHIBITED.**

(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

(b) No person having possession of real property in the City of Springfield shall permit the "mass feeding" of animals on real property occupied by that person in the City of Springfield.

"Mass feeding" occurs when cat, dog, or pet food or other edible material attractive to animals is left out of doors where it is readily accessible to feral cats, stray dogs, rodents, vermin and other species capable of carrying disease.

- (c) It shall not be a violation of subsection (b) of this section to:
- (1) Permit cat, dog, pet food or other edible material attractive to animals to be left out of doors if
    - A. The material is in a sealed container,
    - B. The material is in an unsealed container for the sole purpose of feeding the occupant's domestic pets, during daylight hours for a period not exceeding four consecutive hours, or
    - C. The material is in a container suspended above the ground for the feeding of birds or squirrels.
  - (2) Engage in the mass feeding of animals as part of a licensed kennel operation on a lot zoned for such purpose.

(d) Whoever violates subsections (a) or (b) of this section is guilty of a minor misdemeanor. If the offender has been previously convicted of a violation of any provision of this section, a subsequent violation of any provision of this chapter shall be a misdemeanor of the fourth degree.

(e) A violation of subsections (a) or (b) of this section may constitute a "public nuisance" as defined in Section 1323.01(i) and subject to the procedures and provisions of Chapter 1323 of the Springfield Codified Ordinances.  
(Ord. 08-97. Passed 4-8-08.)

#### **505.09 BARKING OR HOWLING ANIMALS OR FOWL.**

(a) No person shall keep or harbor any animal or fowl which howls or barks, or omits audible sounds which are unreasonably loud or disturbing and which are of such a character, intensity and duration as to disturb the peace and quiet of the neighborhood or to be detrimental to the life and health of any individual.  
(Ord. 67-235. Passed 11-27-67.)

(b) Whoever violates this section is guilty of a minor misdemeanor.

#### **505.10 ANIMAL BITES; REPORTS AND QUARANTINE.**

(a) Whenever any animal shall bite any person, the Director of Health may order such animal quarantined for a period extending not longer than ten days from the time of the biting. Any owner or person in custody or possession of such animal who shall fail to comply with such quarantine order shall be deemed guilty of a misdemeanor. All expenses incurred for the keeping of such animal or the necessary tests to determine whether rabies exists, shall be borne exclusively by the owner or keeper of such animal. No person, having knowledge of the existence of any rabies, or the fact that any animal has bitten any other person, shall fail to immediately report such information to the Director of Health.

(b) Whoever violates this section is guilty of a minor misdemeanor.

#### **505.11 HUNTING PROHIBITED.**

(a) No person shall hunt with a gun or with any other dangerous weapon any bird or quadruped or any animal within the corporate limits of the City.  
(Ord. 63-181. Passed 12-30-63.)

(b) Whoever violates this section is guilty of a misdemeanor of the second degree.

#### **505.12 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY OF POULTRY.**

(a) No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to

maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.  
(ORC 925.62)

(b) Whoever violates this section is guilty of a minor misdemeanor.

**505.13 DANGEROUS WILD ANIMALS AND RESTRICTED SNAKES.**

(a) For purposes of this section, “dangerous wild animal” and “restricted snake” have the same meanings as set forth in Ohio R.C. 935.01.

- (b) (1) Except for a restricted snake specified in Ohio R.C. 935.01(L)(1), no person shall sell or offer for sale at auction a dangerous wild animal or restricted snake.
- (2) Except for a microchip removed for purposes of a medical emergency by a veterinarian that is qualified to provide veterinary care to the dangerous wild animal, no person shall knowingly remove a microchip that is implanted in a dangerous wild animal as required in Ohio R.C. 935.04.
- (3) No person that possesses a dangerous wild animal or restricted snake shall fail to post and display any of the following:
- A. On each cage in which a dangerous wild animal is confined, signs warning the public that a dangerous wild animal is confined in the cage;
  - B. At each entrance to the property where a dangerous wild animal is confined, a sign warning the public that a dangerous wild animal is on the property;
  - C. On each container in which a restricted snake is confined, a sign warning the public that a restricted snake is in the container;
  - D. At the main entrance to each structure where a restricted snake is confined, a sign warning the public that a restricted snake is in the structure;
  - E. On a vehicle that is used to transport a dangerous wild animal or restricted snake, a sign warning that a dangerous wild animal or restricted snake, as applicable, is in the vehicle.
- The signs shall comply with standards established in rules adopted by the State Director of Agriculture.
- (4) No person shall allow a dangerous wild animal or restricted snake to roam off the property where it is confined.
- (5) No person shall remove any teeth or claws from a dangerous wild animal or restricted snake, as applicable, unless determined to be medically necessary by a veterinarian. (ORC 935.18)

(c) Whoever violates this section is guilty of a misdemeanor of the first degree on the first offense. On a second or subsequent offense, such person is guilty of a felony and shall be prosecuted under appropriate State law. (ORC 935.99)

**505.99 PENALTY.**

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)